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PART II—Section 4

Statutory Rules and Orders issued by the Ministry of Defence

MINISTRY OF DEFENCE

New Delhi, the 23rd December 1950

S. R. O. 338.—In pursuance of sub-section 7 of section 13 of the Cantonments Act, 1924 (II of 1924), the Central Government is pleased to notify that a vacancy has occurred in the Cantonment Board, Kamptee, by reason of the acceptance by the Central Government of the resignation of Capt. L. G. Fischer.

[No. 19/9/G/L&C/50/12116-G.]

S. R. O. 339.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (II of 1924), the Central Government is pleased to notify the nomination of Capt. K. T. V. N. Nambiar as a member of the Cantonment Board, Kamptee, vice Capt. L. G. Fischer, resigned.

[No. 19/9/G/L&C/50/12116-G.]

S. R. O. 340.—The following draft of a further amendment to the Cantonment Land Administration Rules, 1937, which it is proposed to make in exercise of the powers conferred by section 280 of the Cantonment Act, 1924 (II of 1924), is published as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 31st January, 1951.

Any objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the Central Government.

“Draft Amendment”.

In Schedules IV, VI, VII, VIII, IX, X, XI, XII, & XIV to the said rules:—

For the words “Governor General in Council” the words “President” shall be substituted.

[No. 12053/G/L&C/50.]

S. R. O. 341.—The following draft of certain rules which it is proposed to make in supersession of the Cantonment Executive Officers Service Rules, 1937, and in exercise of the power conferred by clause (cc) of sub-section (1) of section 280 of the Cantonments Act, 1924 (II of 1924) is published, as required by the said sub-section, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 1st February, 1951.

Any objection or suggestion, which may be received from any person, with respect to the draft, before the said date, will be considered by the Central Government.

Draft Military Lands and Cantonments Service (Class I and Class II) Rules, 1950.

1. These Rules may be called the Military Lands and Cantonments Service (Class I and Class II) Rules, 1950.
2. In these Rules unless the context otherwise requires
 - (i) "Act" means "the Cantonments Act, 1924".
 - (ii) "Commission" means "the Union Public Service Commission".
 - (iii) "Government" means "the Central Government".
 - (iv) "Service" means "the Military Lands and Cantonments Service (Class I and Class II)".
 - (v) "examination" means "the Indian Administrative, and Indian Audit and Accounts etc. Services Examination".
3. No appointments to the Service shall be made otherwise than in accordance with these rules.
4. (a) The Service shall consist of two classes—Class I and Class II.
(b) Class I of the Service shall consist of the following, namely—
 - Administrative posts.*
 - (i) Director of Military Lands and Cantonments.
 - (ii) Deputy Director of Military Lands and Cantonments.
 - Senior scale posts*
 - (iii) Deputy Assistant Director of Military Lands and Cantonments, Military Estates Officers and Executive Officers (Grade I).
 - Junior scale posts.*
 - (iv) Executive Officers (Grade II), and
 - Other posts.*
 - (v) such other posts as may, by order of the Government, be declared to be included in Class I cadre of the Service.
- (c) Class II of the Service shall consist of Executive Officers, Class II.
- (d) The strength of each cadre of the Service will be fixed by the Government and may be increased or decreased as circumstances may require.
5. (a) Recruitment to the Class I cadre of the Service shall be made partly by direct recruitment and partly by promotion. 50 per cent. of the vacancies arising in Grade II of Class I shall, as nearly as may be, be filled by direct recruitment through open competition on the result of the examination. The remaining 50 per cent. of the vacancies will be filled by promotion from the Class II cadre. The percentages for direct recruitment and promotion will, however, be reviewed after a period of three years from the date of publication of these Rules. Appointments to Grade I of Class I and Administrative Posts will be by promotion.
- (b) Appointment to the Class II cadre of the Service will be made by direct recruitment from among the candidates who qualify at the examination and are recommended by the Commission but who fail to secure Class I appointments in any of the Central Services. A maximum number of vacancies, not exceeding 33-1/2 per cent. of the cadre, will, however, be filled by promotion from the non-gazetted staff and employees of Cantonment Boards, provided suitable candidates are forthcoming.
- (c) Notwithstanding anything hereinbefore contained, any person appointed as an Executive Officer, Class II, in a temporary capacity before the commencement of these rules will be eligible for confirmation in Class II of the Service against the vacancies for direct recruits.
6. In order to be eligible for appointment to the Service on the results of the examination conducted by the Commission, a candidate must fulfil the following conditions, namely—
 - (a) he must be—
 - (i) a citizen of India; or
 - (ii) a person who has migrated from Pakistan with the intention of permanently settling in India; or
 - (iii) a subject of Nepal or of Sikkim or of a Portuguese or French Possession in India,

Provided that if he falls under category (ii) or (iii), he must be a person in whose favour a certificate of eligibility has been issued by the Government.

Provided further that a candidate in whose case such a certificate is necessary may be admitted to the examination on his furnishing proof that he had applied for the certificate and if he qualifies at the examination, he may be provisionally appointed to the Service subject to the necessary certificate being eventually issued in his favour by the Government.

NOTE—Persons who migrated to India from Pakistan before the 19th July, 1948, and have been ordinarily resident in India since then are eligible for appointment to the Service without certificates of eligibility *qua* citizens of India.

Persons who so migrated on or after the 19th July, 1948, are non-citizens and must secure certificate of eligibility for appointment to the Service, unless they had migrated before 30th September, 1948, and had got themselves registered as citizens within the time allowed or had entered the Central Government service without certificates of eligibility under the old instructions in which case certificates of eligibility will not be necessary;

(b) he must have attained the age of 21 years and must not have attained the age of 25 years on the date prescribed for the purpose. The upper age limit shall be relaxable by 3 years in favour of scheduled castes and scheduled tribes,

(c) he must hold a degree of a University recognised by the Government of India,

(d) he must have offered subjects at the examination as prescribed for services other than the Indian Administrative Service, the Indian Foreign Service and the Indian Police Service,

(e) he must produce a certificate showing that he has paid the prescribed fees for the examination,

(f) he must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties as an officer of the Service. A candidate who (after such physical examination as Government may prescribe) is found not to satisfy these requirements shall not be appointed, and

(g) he must satisfy the Government that his character and antecedents are such as to make him suitable in all respects for appointment to the Service.

NOTE.—The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the examination shall be final.

7. A candidate selected for appointment to the Service by direct recruitment shall, from the date on which he reports for training as a Cantonment Executive Officer in Class I (Grade II) or in Class II, be on probation for a total period of 2 years. During this period he shall be required to undergo such course of training in Cantonment and Land Administration for a period of not less than six months as may be prescribed by Government.

8. (i) During the period of probation a candidate shall be required to pass a departmental examination—the syllabus of which is prescribed in the Appendix to these Rules.

(ii) A candidate shall be required to obtain 66 per cent. of the total number of marks in each paper in order to pass in that paper. A candidate who fails to obtain 66 per cent. of the total number of marks in any paper shall be required to sit again only in the paper in which he has failed.

9. If at any time during the period of or at the end of probation—

(a) The Government does not consider the probationer suitable for appointment to the Service; or

(b) the probationer has not passed the departmental examination mentioned in rule 8(i);

his services shall be dispensed with.

Provided that in a case falling under clause (a) above, the probationer concerned shall be apprised of the grounds on which action is proposed to be taken and given an opportunity of showing cause against it, before orders are passed by the authority competent to terminate his employment.

10. A candidate shall, after he has satisfactorily completed his period of probation and has passed the departmental examination, be confirmed as a member of the

Service, provided that he has been recommended for confirmation by the Director, Military Lands and Cantonments.

11. Seniority in each grade whether in Class I or Class II (except in the case of those appointed to that grade on a permanent or a quasi-permanent basis before the 1st January 1944, who will retain their *inter se* seniority as already fixed and 'War Service' candidates and temporary Government servants appointed permanently to the pre-1946 vacancies reserved for them, whose seniority shall be regulated by the relevant orders applicable to them) shall, as a general rule, be determined on the basis of the length of service in the grade concerned as well as service in an equivalent grade.

Explanation:—For the purpose of this rule, service in an equivalent grade means service rendered on a pay higher than the minimum of the prescribed scale applicable to that grade, and shall be taken into account only if it is continuous with service in the grade concerned.

12. No. annual increment which may become due will be admissible to a member of the Service during his probation, unless he has passed the departmental examination. An increment which was stopped will be allowed from the date of passing the departmental examination.

13. The scales of pay are as under:—

ADMINISTRATIVE POSTS

(i) Director, Mily. Lands and Cantonments,	Rs. 1600-100-1800
(ii) Deputy Director, Mily. Lands & Cantt.	(a) Rs. 1300-60-1600 (one appointment) (b) Rs. 1000-50-1400

**CLASS I
SENIOR SCALE**

(iii) Deputy Assistant Director, Mily. Lands & Cantonments, Military Estates Officer and Executive Officer (Grade I),	Rs. 600-40-1000-1000-1050-1050-1100-1100-1150.
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JUNIOR SCALE

(iv) Executive Officers (Grade II),	Rs. 350-350-380-380-30-500. (E. B.)-30-770-40-850.
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CLASS II

(v) Executive Officers (Class II),	Rs. 275-25-500-E.B.-30-650. E.B.-30-800.
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14. (1) Class I Officers (Grades I and II) will normally be appointed as Deputy Assistant Directors, Military Estates Officers, and as Executive Officers to Class I Cantonments and Class II Cantonments to which sub-clause (i) of clause (e) of sub-section (4) of section 13 of the Act is applicable.

(2) Class II Executive Officers will normally be appointed to Cantonments other than those mentioned in sub rule (1).

15. (1) All promotions shall be made by selection (seniority being considered only when the claims of two or more candidates are equal on merits) by Government on the recommendations of a Departmental Promotion Committee appointed in this behalf by the Government. On promotion from Class II to Grade II of Class I, and from Grade II to Grade I of Class I, pay will be regulated under normal rules in the Fundamental Rules.

(2) No officer will be promoted to Grade I of Class I before the completion of a total period of 5 years in the Service (Class I and/or Class II).

16. The date of compulsory retirement for members of the Service is the date on which the officer attains the age of 55 years. He may be retained in service after this date with the sanction of the Government on public grounds which must be recorded in writing, but he must not be retained after the age of 60 years except in very special circumstances.

17. Members of the Service with the exception of those referred to in rule 18 will not be eligible for pension but will be required to subscribe to a contributory provident fund in accordance with rule 19 of the Cantonment Executive Officers Service Rules, 1937.

18. Officers who were eligible for pension under Army Instruction (India) No. 32 of 1947, or under Appendix II of the old Cantonment Executive Officers Service Rules, 1937, or are promotees from the pensionable non-gazetted ministerial staff to Class II will continue to be on a pensionable basis and will be governed in the matter of pension by the Army Pension Rules, Appendix II of the Cantonment Executive Officers Service Rules, 1937, or the Civil Service Regulations whichever were applicable to them before promotion.

19. (i) Chapters I to XI of the Fundamental Rules and the Supplementary Rules made under the rules contained in the said Chapters shall, so far as they are not inconsistent with these rules, apply to all members of the Service.

(ii) Notwithstanding anything contained in sub-rule (i) the Revised Leave Rules, 1933, as amended from time to time shall apply to all members of the Service appointed on or after the 8th May 1937.

Provided that the Civil Service Regulations shall apply in the case of officers of the old Cantonments Department appointed to the Service under rule 26.

20. (1) Casual leave to a Cantonment Executive Officer shall be sanctioned by the President of the Cantonment Board concerned. In the case of Military Estates Officers and Deputy Assistant Directors, casual leave will be sanctioned by the Deputy Directors. In the case of Deputy Directors, casual leave will be sanctioned by the Director.

(2) Leave other than casual leave in respect of all members of the Service will be sanctioned by Government.

21. No member of the Service shall undertake any work not connected with his official duties without the previous sanction of Government.

22. (i) A probationer or a member of the Service shall be entitled to travelling allowance from the fund of the cantonment to which he may be appointed or transferred in accordance with the scales prescribed in the Supplementary Rules made by the Government of India under the Fundamental Rules, for

- (a) the journey from the place of training to the Cantonment to which he may be appointed;
- (b) the purpose of attending the examination prescribed under rule 8; and
- (c) on transfer.

(ii) No travelling allowance will be admissible for a journey to the place of training referred to in rule 7.

23. A Military Estates Officer will draw a conveyance allowance of Rs. 50/- p.m.

24. (1) A Cantonment Executive Officer who maintains a motor-cycle or a horse as a conveyance may be paid a conveyance allowance not exceeding Rs. 30/- per mensem from the Cantonment Fund, and a Cantonment Executive Officer who maintains a motor-car may similarly be paid a conveyance allowance not exceeding the amount specified against the Cantonment in the table below:—

	Rs. per mensem.
Lucknow, Meerut, Secunderabad and Poona.	100/-
Agra, Ahmednagar, Allahabad, Ambala, Kanpur, Ferozepore, Jhansi, 75 Jubbulpore, Mhow, Nasirabad & St. Thomas Mount Cum Pallavaram	75
Aurangabad, Bareilly, Barrackpore, Belgaum, Chakratu, Dehra Dur, 50 Delhi, Deolali, Dinapore, Jullundur, Kamptee, Kirkree, Saugor and Wellington.	50
Ahmedabad, Almora, Amritsar, Banaras, Cannanore, Dagshai, Fatchgarh, Fyzabad, Jalapahar, Kasauli, Lansdowne, Mathura, Naini Tal, Pachmarhi, Roorkee, Shahjahanpur, Shillong, Khas Yol and Ramgarh.	30

(2) An Executive Officer who holds charge of more than one Cantonment will be granted the conveyance allowance at the rate applicable to the Cantonment where his headquarters are located and travelling allowance under the normal rules for visits to other Cantonments under his charge.

(3) No allowance other than travelling allowance shall be paid to a Cantonment Executive Officer from the Cantonment Fund except with the previous sanction of the Government of India.

(4) The Director, Military Lands and Cantonments, the Deputy Director, Military Lands and Cantonments, the Deputy Assistant Directors, Military Lands and

Cantonments and Military Estates Officers when travelling on duty will be entitled to travelling allowance under the Supplementary Rules.

25. With reference to Rule 116(a)(i)(iv) of the Supplementary Rules under the Fundamental Rules, the Director, Military Lands and Cantonments, the Deputy Directors Military Lands and Cantonments, the Deputy Assistant Directors, Military Lands and Cantonments and the Military Estates Officers, shall be entitled to free transport of a motor-car or two horses or one horse and a motor bicycle on transfer.

26. The initial formation of the Service will be made from officers of the late "Lands Branch of the Cantonments Department" and members of the late "Cantonment Executive Officers' Service" on such rates of pay, within the prescribed scales, as may be determined by Government in each case.

APPENDIX

SYLLABUS OF EXAMINATION FOR OFFICERS OF THE MILITARY LANDS AND CANTONMENTS SERVICE

PAPER I—

The Cantonments Act, 1924.

PAPER II—

The Cantonment Fund servants Rules.

The Cantonment Property Rules.

Fundamental Rules as applicable to Cantt. Fund Servants.

The Government Servants' Conduct Rules.

PAPER III—

Cantonment Finance and Accounts.

PAPER IV—

(With Books).

Cattle Trespass Act, 1871.

Indian Evidence Act, 1872.

Local Authorities Loans Act, 1914.

Specific Relief Act, 1877.

Municipal Taxation Act, 1881.

Provident Funds Act, 1923.

General Clauses Act, 1897.

Government Buildings Act, 1889.

Cantonment (House Accommodation) Act, 1928.

Indian Electricity Act, 1910.

Indian Stamp Act, 1879.

Indian Limitation Act, 1908.

Indian Contract Act, 1872.

Indian Easements Act, 1882.

PAPER VI—

Military Lands Manual (latest edition) including the following:—

(i) The Cantonment Land Administration Rules, 1937.

(ii) Rules, Regulations and Orders issued from time to time by Government of Bengal, Madras, and Bombay Presidencies. The competent military authorities between the years 1789 and 1889 in regard to the grant of sites of lands and the occupation of lands and houses in Cants in British Indian—viz. (Old grant terms)

(iii) Notes on tenure held on Old Grant terms

(iv) Notes on tenure held on leases under the Cantonment codes of 1899 and 1910.

(v) Cantonment Property Rules as applied to Cantonments in Indian States.

(vi) Rules for the acquisition, custody and relinquishment of military lands.

(vii) Rules for the purchase and sale of military property.

(viii) Principles to be observed in disposal of agricultural and pastoral

(ix) Rules relating to cantonment surveys.

(x) Instructions for the relinquishment of hired, requisitioned lands and buildings, acquisition of lands and disposal of immovable assets.

APPENDIX VII—

(With Books).

Transfer of Property Act, 1882.

Land Acquisition Act, 1894.

Indian Registration Act, 1908.

For the purpose of preparation for Paper IV of this examination, the following text books and publications may be referred to:—

- (a) A treatise on Hygiene and Public Health, by Birendra Nath Ghosh and Jahar Lall Basa (Hilton & Co., Calcutta).
- (b) Lessons on Indian Agriculture by Dr. D. Clouston, C.I.E. (MacMillan & Co., Calcutta and Bombay).
- (c) Notes on roadside arboriculture by W. R. Musto, O. B. E. (Government Press, Lahore).
- (d) Handbook of Engineering by Sir Ganga Ram.
- (e) U. P. Government Pamphlet on Hedges, entitled "Upper Indian Hedges".

NOTES:—

- (i) Candidates shall sit for the examination at the Headquarters of the Command in which their Cantonments are situated.
- (ii) The examination shall be conducted by the Deputy Director, Military Lands & Cantonments.
- (iii) Candidates who wish to appear for the examination must submit their names to the Deputy Director, Military Lands & Canits., the Command, by the 1st February and 1st August.
- (iv) The Deputy Director, Military Lands and Cantonments will, as soon as possible after the dates mentioned in (iii) above, forward a list of names of candidates to the Director, Military Lands & Cantonments.
- (v) Each examining officer will be furnished, with a nominal roll of the candidates and no candidate whose name does not appear on the roll will be permitted to sit for the examination.

H. M. PATEL, Secy.



